

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

NANCY DREW SUDERS, :
Plaintiff : **No. 1: CV-00-1655**
:
v. : **JUDGE SYLVIA RAMBO**
:
ERIC EASTON, WILLIAM D. :
BAKER, ERIC B. PRENDERGAST, : **JURY TRIAL**
DEMANDED
VIRGINIA SMITH ELLIOTT, :
AND THE PENNSYLVANIA :
STATE POLICE, :
Defendants :
:

**PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE PROPOSED
DEFENDANT EXHIBITS**

Plaintiff, Nancy Drew Suders, by and through her attorney, Don Bailey, Esquire requests this court to issue an order excluding the use of the following exhibits at trial as they were not produced by the Defendants until the conference held on Friday, February 11, 2005 pursuant to local rule 16.3. The exhibits that the Defendants propose to use at trial which had not been previously disclosed are:

1. Defendant's Proposed Exhibits #20, #21 and #22 -- Interview Notes for Nancy Suders.
2. Defendant's Exhibit #24 -- Telephone Reference Check Forms.
3. Defendant's Exhibit #25 -- Background Verification Report.

4. Defendant's Exhibit #31 -- Letter to Eric Easton from the District Attorney dated August 26, 1998.
5. Defendant's Exhibit #33 and #34 -- Photographs. Defendants produced black and white copies of the photographs at the 16.3 Conference which had never previously been offered to Plaintiff for review. Plaintiff has not had an opportunity to see the original photographs.

Although the deadline has passed regarding the filing of motions, Plaintiff respectfully requests that this Court consider this motion, because Plaintiff was not aware of the Defendant's intention to use the above-mentioned evidence until the conference held last week. It would be unfairly prejudicial to the Plaintiff to allow this evidence to be used against her when she did not have the opportunity to review these documents until the 16.3 conference and does not have enough time to adequately defend and prepare counterarguments against this evidence.

WHEREFORE, Plaintiff requests that this Court issue an order precluding the admission of the above-mentioned exhibits at trial.

Respectfully submitted,

s/Don Bailey
Don Bailey, Esquire
Atty ID # 23786
4311 North Sixth Street
Harrisburg, PA 17110
(717) 221-9500

CERTIFICATE OF CONCURRENCE

I, Don Bailey, do hereby certify that I contacted opposing counsel, Sarah Yeager, and she does not concur in *Plaintiffs Motion in Limine to Exclude Proposed Defendant's Exhibits*.

Respectfully submitted,

s/Don Bailey
Don Bailey
Attorney ID #23786
4311 North Sixth Street
Harrisburg, PA 17110
(717) 221-9500

Date: February 17, 2005

CERTIFICATE OF SERVICE

I, Don Bailey, do hereby certify that on this *17th day of February 2005* I served a true and correct copy of the *Plaintiff's Motion in Limine to Exclude Proposed Defendant's Exhibits* to the attorneys listed below by Electronic Means:

Sarah Yerger, Esquire
Senior Deputy Attorney General
Civil Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17108

Samuel C. Stretton, Esquire
601 South High Street
West Chester, PA 19381

Respectfully submitted,

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